

### Remarks

The Office Action dated August 26, 2003 has been received and considered by the Applicant. The foregoing amendment to the claims does not introduce new matter in to the present application for invention, therefore, it is respectfully requested that the foregoing amendment be entered. Claims 1-7 are currently pending in the present application for invention. Claims 1-7 are rejected by the August 26, 2003 Office Action.

The Abstract is objected to because of phraseology, which has been corrected by the foregoing amendment to the specification of the present application for invention.

The Examiner objects to the specification for not including headings. The Applicant, respectfully, asserts that 37 CFR 1.77(b) does not require that the various sections of the specification to a utility application have a section heading. The only requirement is that the sections appear in a particular order. Accordingly, the Applicant, respectfully, declines to make the modification suggested by the Examiner.

Claim 7 is rejected under the provisions of 35 USC §112, second paragraph as being indefinite for failing to particular point out and distinctively claim the subject matter of the invention. Specifically the examiner states that the terms "said first variation" on line 3 of claim 7 and "said second variations" on line 8 of claim 7, lack sufficient antecedent basis. The foregoing amendment to the claim has corrected this oversight.

The Office Action rejects claims 4-6 under the provisions of 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 6,069,870 issued in the name of Maeda et al. (Maeda et al.). The Examiner states that Maeda et al. discloses the elements of the rejected claims. In making this rejection the Examiner states that Maeda et al. discloses that the phase of the second variation are coupled to the phase of the first variations at: column 6, lines 56-62; column 7, lines 10-13; and Figures 3 and 27 of that reference. The Applicants do not concur that Maeda et al. disclose the phase of the second variation being coupled to the phase of the first variations. At column 6, lines 56-62, Maeda et al. discuss using track wobble for addressing information 13. At column 7, lines 10-13, Maeda et al. discuss the sync area 12 being used to generate a reference signal and a clock signal when reading data in the address information 13 and the data area 16. The Applicants would like to, respectfully, point out that sync area 12, address information 13 and the data area 16 are parts of the data structure illustrated in FIG. 2 of Maeda et al. The Applicants would also like to, respectfully, point out that Maeda et al. disclose that the phase of the walls defining the wobbling groove are coupled, Maeda et al. do not teach that the phase to the second

variations is coupled to the phase of the first variations. Accordingly, this rejection is respectfully traversed.

The foregoing assertions made by the Applicants can be illustrated very well by responding to the anticipation rejection made regarding claim 5 over Maeda et al. The rejection to claim 5 states that column 7, lines 10-13 and 33-47 of that reference discloses that the second variations have either a first or second phase with respect to the first variations. The Applicants, respectfully, disagree. Column 7, lines 10-13 of Maeda et al. is discussed above. Column 7, lines 33-47 of Maeda et al. discloses that the phase of the wobbling waveforms are viewed with respect to each other. Column 7, lines 33-47 of Maeda et al. does not disclose, or suggest, the second variations having a first or a second phase with respect to the first variations as recited by rejected claim 5 to the present invention. Maeda et al. at column 7, lines 33-47 discloses that the wobbling borders 14, 15 are set to have first or second phases with respect to each other. The Applicant respectfully, assert that Maeda et al. can not anticipate second variations having a first or a second phase with respect to the first variations as recited by rejected claim 5 to the present invention. Accordingly, this rejection is, respectfully, traversed

The Office Action rejects claim 7 under the provisions of 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 5,930,210 issued in the name of Timmermans et al. (hereinafter referred to as Timmermans et al.) The foregoing amendment to claim 7 inserted the recitation of the phase of the second variations being coupled to the phase of the first variations, in order to clearly distinguish the present invention from the teachings of Timmermans et al. The Applicants, respectfully, submit that no clear reading of the teachings of Timmermans et al. can read on the amended version of claim 7.

The Office Action rejects claims 1-3 under the provisions of 35 U.S.C. §103(a) as being obvious over Maeda et al. in view of Timmermans et al. The examiner states that Timmermans et al. discloses the claimed invention except for the phase of the second variations being coupled to the phase of the first variations. The Examiner further states that Maeda et al. teaches coupling the phase of the second variations to the phase of the first variations. The Applicants, respectfully, disagree with this assertion contained in the Office Action. As previously discussed in the response to the rejection of claims 4-7 as being anticipated by Maeda et al., Maeda et al. disclose that the phase of the walls defining the wobbling groove are coupled, Maeda et al. do not teach that the phase to the second variations is coupled to the phase of the first variations. Accordingly, this rejection is respectfully traversed.

In view of the foregoing amendment and remarks, the Applicants believe that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

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CERTIFICATE OF MAILING

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